

APPEAL NO. 021189  
FILED JUNE 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 22, 2002. With regard to the only issue before her, the hearing officer determined that the respondent's (claimant) compensable right shoulder injury extends to and includes a lumbar spine injury but does not extend to or include a cervical spine injury.

The appellant (carrier) appeals, basically on sufficiency of the evidence, asserting that the claimant initially only reported a right shoulder injury to the medical providers. The claimant responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable right shoulder injury on \_\_\_\_\_. The disputed issue was whether that injury extended to include injuries to the lumbar and cervical spine. Extent of injury is generally a question of fact. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility of the evidence and determines what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). There was conflicting evidence on the matter at issue. The hearing officer was persuaded that the evidence was sufficient to establish that the compensable injury extends to and includes the claimant's lumbar spine. The challenged determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN GUARANTEE & LIABILITY** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

Thomas A. Knapp  
Appeals Judge

CONCUR:

Daniel R. Barry  
Appeals Judge

Michael B. McShane  
Appeals Judge